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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,831	02/10/2004	Tricia Ehlers Henry	8285/673	8184

7590 04/07/2005

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EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,831

Applicant(s)

HENRY ET AL.

Examiner

Allan Hoosain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/10/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are rejected under the judicially created doctrine of double patenting over claims 1-19 of US 6,718,018 Patent.

The subject matter claimed in the instant application is fully disclosed in US 6,718,018. For Example, Claim 1 of US 6,718,018 recites "wherein the supplementary service database is operative to determine whether the central office switch supports a supplementary service by

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analyzing the predetermined n-character messaging sequence to determine if a service code is present, determine whether the user has access to the voicemail service using a caller identifier” and Claim 1 of the instant application recites “wherein the supplementary service database is operative to determine whether the user has access to the voicemail service using a caller identifier”.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in US 6,718,018. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4,6,9-11,14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Fuller et al.** (US 6,201,950).

As to Claims 1,3,6,11,14-17, with respect to Figures 1-4, **Fuller** teaches a system for enabling a user to access to a voicemail service comprising:

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a customer premises equipment (CPE) at a user location for use by a user, the CPE comprising a plurality of character keys for use in dialing a sequence of characters (Figure 1, labels 78,6); and

a central office switch in communication with the CPE (Figure 1), the central office switch comprising:

a supplementary service processor, 40, operative to receive the sequence of characters from the CPE, generate a query to a supplementary service database when the sequence of characters is a predetermined n-character messaging sequence where  $n < 7$ , and receive a call forwarding number from the supplementary service database (Figure 4b2, labels 218,222-224);

wherein the central office switch is operative to connect the CPE with a voicemail service in response to the call forwarding number (Figure 4b2); and

wherein the supplementary service database is operative to determine whether the user has access to the voicemail service using a caller identifier and transmit the call forwarding number to the central office switch if the user has access to the voicemail service (Figure 4b2, Col. 3, lines 38-63, Col. 10, lines 15-31 and Col. 12, lines 10-20).

As to Claim 2, **Fuller** teaches the system of Claim 1, wherein the central office switch is further operative to prevent access to the voicemail service in response to a determination that the user does not have access to the voicemail service (Figure 4b2, label 226).

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As to Claims 4,18, **Fuller** teaches the system of Claim 1, wherein the central office switch further comprises an error handler for sending an error message to the CPE in response to a determination that the user does not have access to the voicemail service (Figure 4b2, label 226).

As to Claim 9, **Fuller** teaches the system of Claim 1, wherein the supplementary service processor further comprises a routing table for storing a call forwarding number for a user that has access the voicemail service (Col. 10, lines 14-27).

As to Claim 10, **Fuller** teaches the system of Claim 1, wherein the supplementary service database further comprises a redirecting identifier for connecting the user to an error message when the user is temporarily prevented from using the predetermined n-character messaging sequence to access the voicemail service (Figure 4b2).

As to Claim 19, **Fuller** teaches the method of Claim 16, wherein (b) comprises transmitting a caller identifier from the central office switch to a supplementary service database (Col. 3, lines 38-63).

As to Claim 20, **Fuller** teaches the method of Claim 19, wherein (c) further comprises verifying whether the user identified by the caller identifier subscribes to the voicemail service (Figure 4b2 and Col. 10, lines 63-67).

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5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kasiviswanathan** (US 6,215,857).

As to Claims 1,6,11,14-17, with respect to Figures 1-3, **Kasiviswanathan** teaches a system for enabling a user to access to a voicemail service comprising:

a customer premises equipment (CPE) at a user location for use by a user, the CPE comprising a plurality of character keys for use in dialing a sequence of characters (Figure 2, label 200); and

a central office switch in communication with the CPE (Figure 1, label 210), the central office switch comprising:

a supplementary service processor, Figure 3, operative to receive the sequence of characters from the CPE, generate a query to a supplementary service database when the sequence of characters is a predetermined n-character messaging sequence where  $n < 7$ , and receive a call forwarding number from the supplementary service database (Figure 3 and Col. 4, lines 40-55);

wherein the central office switch is operative to connect the CPE with a voicemail service in response to the call forwarding number (Figure 3); and

wherein the supplementary service database is operative to determine whether the user has access to the voicemail service using a caller identifier and transmit the call forwarding number to the central office switch if the user has access to the voicemail service (Col. 4, lines 55-60).

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As to Claim 2, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch is further operative to prevent access to the voicemail service in response to a determination that the user does not have access to the voicemail service (Figure 3).

As to Claim 3, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch further comprises a router (Col. 4, lines 48-55).

As to Claims 4,18, **Kasiviswanathan** teaches the system of Claim 1, wherein the central office switch further comprises an error handler for sending an error message to the CPE in response to a determination that the user does not have access to the voicemail service (Figure 3).

As to Claims 5,12, **Kasiviswanathan** teaches the system of Claim 1, wherein the n-character messaging sequence includes a first '\*' star character (Col. 4, lines 7-21).

As to Claims 7,8,13, **Kasiviswanathan** the system of Claim 6, wherein the 3-character messaging sequence includes a first '\*' star character followed by a two number sequence (Col. 4, lines 7-21).

As to Claim 9, **Kasiviswanathan** teaches the system of Claim 1, wherein the supplementary service processor further comprises a routing table for storing a call forwarding number for a user that has access the voicemail service (Col. 4, lines 14-27).



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As to Claim 10, **Kasiviswanathan** teaches the system of Claim 1, wherein the supplementary service database further comprises a redirecting identifier for connecting the user to an error message when the user is temporarily prevented from using the predetermined n-character messaging sequence to access the voicemail service (Figure 3).

As to Claim 19, **Kasiviswanathan** teaches the method of Claim 16, wherein (b) comprises transmitting a DVMA caller identifier from the central office switch to a supplementary service database (Col. 4, lines 40-48).

As to Claim 20, **Kasiviswanathan** teaches the method of Claim 19, wherein (c) further comprises verifying whether the user identified by the caller identifier subscribes to the voicemail service (Col. 4, lines 40-48).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Malik** (US 6,181,787) teaches \*zz feature codes which are used for accessing telephone services.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 306-0377 (for customer service assistance)

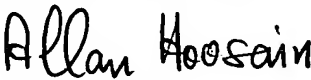
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Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

  
**Allan Hoosain**  
**Primary Examiner**  
**3/31/05**